

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KYRIF GIVENS,

Plaintiff,

-against-

CITY OF NEW YORK, PO MATTHEW PONTE, ET. AL,

Defendants.

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NOTICE OF MOTION

11 Civ. 0801 (CM)

PLEASE TAKE NOTICE that, upon a declaration, exhibits and accompanying memorandum of law, defendant Police Officer Matthew Ponte will move this Court before the Honorable Colleen McMahon, United States District Judge, at the United States District Court for the Southern District of New York, located at 500 Pearl Street, New York, New York, at a date and time to be determined by the Court, in accordance with the Honorable Colleen McMahon's individual practices, for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure on the grounds that defendant Ponte is entitled to qualified immunity as to some or all of plaintiff's claims, and for such other and further relief as the Court deems just, proper and equitable.

PLEASE TAKE FURTHER NOTICE that such motion will be submitted following the prescribed period of discovery set forth by the Court.

Dated: New York, New York
May 11, 2011

MICHAEL A. CARDOZO
Corporation Counsel of the City of New York
Attorney for Defendants City and Officer Ponte
100 Church Street
New York, New York 10007
(212) 788-1103

By: _____/s/

Suzanna Publicker
Assistant Corporation Counsel

To: Christopher Wright (By ECF)
Attorney for Plaintiff
305 Broadway, Suite 1400
New York, N.Y. 10007

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*Corporation Counsel of the City of New York
Attorney for Defendants City of New York and
Matthew Ponte
100 Church Street
New York, N.Y. 10007*

*Of Counsel: Suzanna Publicker
Tel: (212) 788-1103
NYCLIS No. 2011-003554*

Due and timely service is hereby admitted.

New York, N.Y., 2011

..... Esq.

Attorney for